

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

	X	
In re PAYMENT CARD INTERCHANGE	:	MDL No. 1720(MKB)(JAM)
FEE AND MERCHANT DISCOUNT	:	
ANTITRUST LITIGATION	:	Civil No. 05-5075(MKB)(JAM)
	:	
	:	JOINT STIPULATION BETWEEN RULE
This Document Relates To:	:	23(b)(3) CLASS COUNSEL AND MILBERG
	:	COLEMAN BRYSON PHILLIPS
ALL ACTIONS.	:	GROSSMAN, PLLC REGARDING COST
	:	PAYMENT TO CLASS ADMINISTRATOR
	:	EPIQ
	X	

WHEREAS Rule 23(b)(3) Class Counsel (“Class Counsel”) filed status reports with the Court which addressed, among other issues, the law firm of Milberg Coleman Bryson Phillips Grossman, PLLC (“Milberg”). *See, e.g.*, ECF 9340;

WHEREAS, on June 6, 2024, Class Counsel and Milberg filed a Joint Status Report. ECF 9318;

WHEREAS, on June 7, 2024, the Court issued an Order requiring further briefing. Text-Only Order;

WHEREAS, on June 17, 2024, Milberg filed its response to the Court’s Order. ECF 9328;

WHEREAS, on June 24, 2024, Class Counsel filed its response. ECF 9332;

WHEREAS, on June 28, 2024, the Court issued an Order scheduling a conference for July 22, 2024 to discuss the issues regarding Milberg and set forth a briefing schedule. Text-Only Order;

WHEREAS, pursuant to the June 28, 2024 Text-Only Order, on July 10, 2024, Class Counsel filed a letter with the Court setting forth case law on the Court’s authority to assess costs against a non-party. ECF 9348;

WHEREAS, Milberg’s response letter is due July 17, 2024; and

WHEREAS, Milberg has agreed to pay \$25,000 to Class Administrator Epiq, to cover Epiq’s costs incurred in handling fake proofs of authority submitted by Milberg and to cooperate fully in any law enforcement investigation related Ms. Laverne Hallak.

Class Counsel and Milberg agree and stipulate to the following:

1. Milberg has agreed to pay to Epiq \$25,000, the total estimated costs incurred by Epiq in handling fake proofs of authority submitted to Epiq by Milberg. This payment shall be made to Epiq within 10 business days.

2. Milberg agrees that a referral to law enforcement is to occur related to Ms. Laverne Hallak, its previous referral partner. Class Counsel will contact the U.S. Attorney’s office in San Diego, the county in which Ms. Hallak is believed to reside. Milberg agrees to cooperate fully in any investigation that may occur.

3. Class Counsel and Milberg agree that, in light of the foregoing agreement, sanctions against the Milberg firm are no longer necessary and the July 22, 2024 status conference is no longer necessary, but the Parties leave the decision to the Court's sound discretion.

SO STIPULATED.

DATED: July 12, 2024

ROBBINS GELLER RUDMAN
& DOWD LLP
PATRICK J. COUGHLIN
ALEXANDRA S. BERNAY

s/ Alexandra S. Bernay
ALEXANDRA S. BERNAY

655 West Broadway, Suite 1900
San Diego, CA 92101
Telephone: 619/231-1058
619/231-7423 (fax)

ROBINS KAPLAN LLP
K. CRAIG WILDFANG
THOMAS J. UNDLIN
2800 LaSalle Plaza
800 LaSalle Avenue South
Minneapolis, MN 55402-2015
Telephone: 612/349-8500
612/339-4181 (fax)

BERGER MONTAGUE PC
H. LADDIE MONTAGUE, JR.
MERRILL G. DAVIDOFF
MICHAEL J. KANE
1818 Market Street, Suite 3600
Philadelphia, PA 19103
Telephone: 215/875-3000
215/875-4604 (fax)

Co-Lead Counsel for Plaintiffs

Dated: July 12, 2024

MILBERG COLEMAN BRYSON
PHILLIPS GROSSMAN, LLC
GARY M. KLINGER

s/ Gary M. Klinger

GARY M. KLINGER
[signed with permission]

227 W. Monroe Street, Suite 2100
Chicago, IL 60606
Telephone: 866/252-0878